

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 2024738-7035713001  
First Named Inventor: Gail E. Radcliffe, et al  
Prior Application Information:  
Serial No. 10/012,874  
Examiner: Thomas Noland  
Art Unit: 2856

Assistant Commissioner for Patents  
Box Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450



FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a  
☒ continuation ☐ divisional ☐ continuation-in-part (CIP)  
application under 37 CFR § 1.53(b) of pending prior application Serial No. 10/012,874  
filed on November 12, 2001 by

**Gail E. Radcliffe, Daniel C. Lapen, Charles A. Festel** entitled:

**SYSTEMS AND METHODS FOR GENERATING FLUID SAMPLES  
HAVING SELECT CONCENTRATION OF PARTICLES**

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**I. APPLICATION ELEMENTS ENCLOSED**

16 Page(s) of Written Description  
5 Page(s) of Claims  
1 Page(s) of Abstract  
6 Sheet(s) of Drawings ☒ formal ☐ informal  
4 Page(s) of ☒ Declaration or ☐ Declaration and Power of Attorney  
☒ Copy from prior application [37 CFR §1.63(d)]  
☐ Newly executed  
5 Page (s) of Assignment and Recordation from prior patent application

CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Alexandria, VA 22313-1450.

EV 348160455 US  
Express Mail Label No.

August 25, 2003  
Date of Deposit

Maritza Kidd  
Name of Person Mailing Paper

- ☒ An Information Disclosure Statement, PTO/SB/08A, ☐ with copies of cited items.
- ☒ Application Data Sheet
- ☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

**II. FEE CALCULATION**

- ☐ Applicant claims small entity status under 37 CFR 1.27.

|   |       |                 |   |                          |                  |
|---|-------|-----------------|---|--------------------------|------------------|
| <b>BASIC FILING FEE:</b>                      |       |                 |   |                          | \$750.00         |
| Total Claims                                  | -     | 20              | = | 0                        | x \$18.00 \$0.00 |
| Independent Claims                            | -     | 3               | = | 0                        | x \$84.00 \$0.00 |
| Multiple Dependent Claims                     | \$280 | (if applicable) |   | <input type="checkbox"/> | \$0.00           |
| <b>TOTAL OF ABOVE CALCULATIONS</b>            |       |                 |   |                          | \$750.00         |
| Reduction by ½ for Filing by Small Entity.    |       |                 |   | <input type="checkbox"/> | \$0.00           |
| Misc. Filing Fees (Recordation of Assignment) |       |                 |   |                          | \$0.00           |
| <b>TOTAL FEES DUE HERewith</b>                |       |                 |   |                          | \$750.00         |

**III. PRIORITY - 35 USC § 119**

- ☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in Country is claimed under 35 USC § 119.
- ☐ The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.
- ☐ The certified copy will follow.

**IV. AMENDMENTS**

- ☒ Cancel in this application original Claims 2-24 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**V. RELATE BACK - 35 USC § 120**

- ☒ Relate back information included in preliminary amendment, specification or Application Data Sheet.
- ☐ Please amend the specification as follows:  
[Enter continuing data here]
- ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
- ☒ the same.
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:  
[Name(s) of inventor(s) to be deleted]

**VI. METHOD OF PAYMENT OF FEES**

- ☐ Attached is a check in the amount of \_\_\_\_\_.
- ☒ Charge Bingham McCutchen's Deposit Account No. **50-2518** in the amount of \$750.00.
- ☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

**VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to credit Bingham McCutchen's Deposit Account No. **50-2518** for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **50-2518**:

- ☒ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☒ 37 CFR § 1.17 (Application processing fees)
- ☐ 37 CFR § 1.21 (Assignment recordation fees)

**VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS**

- ☒ The power appears in the original papers in the prior application, filed on 2/20/03, copy enclosed.
- ☐ The power does not appear in the original papers, but was filed on \_\_\_\_\_ in prior application Serial No. \_\_\_\_\_.
- ☐ A new power has been executed and is attached.

Please send all correspondence to Customer Number 23639:



23639  
PATENT TRADEMARK OFFICE

BINGHAM McCUTCHEN LLP  
Three Embarcadero, Suite 1800  
San Francisco, CA 94111-4067  
(650) 849-4400

Please direct all inquiries to \_\_\_\_\_, at the above Customer Number.

**IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION**

- ☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until \_\_\_\_\_. A copy of the petition for extension of time in the **prior** application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

**X. ABANDONMENT OF PRIOR APPLICATION**

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,  
BINGHAM McCUTCHEN LLP

Dated: 8/25/03

By: DT Burse  
David T. Burse  
Reg. No. 37,104

Enclosures

Enclosures

Cytoc Corporation  
Name of Assignee

85 Swanson Road, Boxborough, Massachusetts 01719  
Address of Assignee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                             |   |                          |
|-----------------------------|---|--------------------------|
| In re Application of:       | ) | Group Art Unit: 2856     |
| Gail E. Radcliffe, et al    | ) | Examiner: Noland, Thomas |
| Serial No.: 10/012,874      | ) |                          |
| Filed: November 12, 2001    | ) |                          |
| For: METHODS FOR COLLECTING | ) |                          |
| FLUID SAMPLES HAVING SELECT | ) |                          |
| CONCENTRATION OF PARTICLES  | ) |                          |

POWER OF ATTORNEY TRANSMITTAL

Commissioner for Patents  
Washington, D.C. 20231

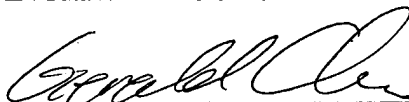
Sir:

Transmitted herewith is an executed Power of Attorney (Revocation of Prior Powers - 2 pages) and copies of assignment (5 pages) for the above-identified application.

Respectfully submitted,

BINGHAM McCUTCHEN LLP

Dated: 2/20/03

By:   
Gerald Chan  
Reg. No. 51,541

BINGHAM McCUTCHEN LLP  
Three Embarcadero, Suite 1800  
San Francisco, CA 94111-4067  
(650) 849-4400



23639

PATENT TRADEMARK OFFICE

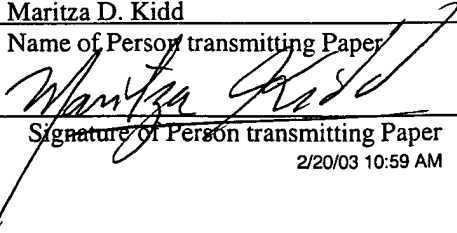
CERTIFICATE OF FACSIMILE TRANSMISSION  
(37 C.F.R. §1.6 (d))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via fax on the date shown below to U.S. Patent and Trademark's fax number (703) 308-7722 addressed to the Commissioner for Patents, Washington, D.C.

February 20, 2003  
Date of facsimile transmission  
52103116.1/2024738-7030050002

Maritza D. Kidd

Name of Person transmitting Paper

  
Signature of Person transmitting Paper

2/20/03 10:59 AM

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 0748  
CONNECTION TEL 917033087722  
CONNECTION ID  
ST. TIME 02/20 11:38  
USAGE T 02'25  
PGS. SENT 9  
RESULT OK

OG.

BINGHAM McCUTCHEN

**Facsimile****URGENT**

DATE February 20, 2003

|    | NAME  | FAX            | PHONE          |
|----|---|----------------|----------------|
| TO | Ex. <b>THOMAS NOLAND</b><br>Commissioner for Patents -<br>USPTO | (703) 308-7722 | (703) 305-4765 |

FROM Maritza D. Kidd (650) 849-4800 (650) 849-4481  
maritza.kidd@bingham.com

PAGES (INCLUDING THIS COVER PAGE): 9

RE **POWER OF ATTORNEY** for US. Serial No. 10/012,874

Bingham McCutchen LLP  
1900 University Avenue  
East Palo Alto, CA  
94303-2223

650.849.4400  
650.849.4800 fax

bingham.com

Boston  
Hartford  
London  
Los Angeles  
New York  
San Francisco  
Silicon Valley  
Singapore

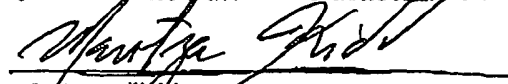
**Message:****PLEASE DELIVER TO EXAMINER THOMAS NOLAND**

Re: US Application Serial No. 10/012,874

Filed 11/12/01

Inventor: Gail E. Radcliffe, et al

I hereby certify that a Power of Attorney with transmittal (3 pages); and copies of assignment, cover sheet and postcard (5 pages) are being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

  
Maritza Kidd

February 20, 2003